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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,107	05/08/2001	Kazuyuki Yamaguchi	PND-01040	9593
466	7590	09/17/2004		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER WILSON, ROBERT W	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/850,107

Applicant(s)

YAMAGUCHI, KAZUYUKI

Examiner

Robert W Wilson

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6 and 15 is/are rejected.
- 7) ☒ Claim(s) 2,3,5 and 7-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/22/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1.0 The application of Yamaguchi entitled CONGESTION CONTROL METHOD AND SYSTEM which claims foreign priority based upon JAPAN 2000-134482 dated 05/08/2000 which was filed on 5/8/2001 and amended on tbd was examined. Claims 1-15 are pending.

Claim Rejections - 35 USC § 103

2.0 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.0 **Claims 1, 4, & 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Jorgensen (U.S. Patent No.; 6,640,248 B1) in view of Wanderski (U.S. Patent No: 6,147,687)

Referring to **Claim 1**, Jorgensen teaches: A congestion control method for a network (IP Flow Scheduler per Fig 6 which provides congestion control for a network) comprising:

A mobile user terminal located in a mobile network (120d & 294d per Fig 5A or mobile terminal)

A contents server for providing a contents service in the Internet (Host Workstation per Fig 5A or Server computer per col. 25 lines 16-56)

And a GW (gateway) server used as a repeater in the case where access is made from the mobile network to the Internet(Wireless Base Station 302 per Fig 5A or Gateway server)

Wherein association identifiers for identifying, as the flow of the series of services, screen informations ranging from information in a service top menu to supply information in contemplated service are imparted to respective screen informations in a tree structure constituting a web service provided by the contents server (The TOS field or RSVP field in IP provides the means to identify the flow of different services per col. 19 lines 9-28 or is an identifier. The reference teaches that applications utilized as a part of these services are NETSCAPE NAVIGATOR, HTTP, & HTML as a part of TCP/IP per col. 47-line 15-col. 48 line 24) and

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Upon the occurrence of congestion, priority connection control of the service being in connection is performed based on the association identifier (The IP flow analyzer determines types of flows and the Flow Scheduler schedules flows based upon QoS per Fig 6 or col. 48 line 25-col. 49 line 9 in order to minimize congestion per col. 12 lines 25-39)

Jorgensen does not expressly call for: screen information ranging from information in a service top menu to supply information in a contemplated service are imparted to respective screen informations in a tree structure constituting a web service provided by the contests server but teaches that applications utilizing NETSCAPE NAVIGATOR, HTTP, and HTML can be utilized per col. 48 line 25-col. 49 line 9

Wanderski teaches: screen information ranging from information in a service top menu to supply information in a contemplated service are imparted to respective screen informations in a tree structure constituting a web service provided by the contests server per Figures 3-5 or per col. 7 lines 35-54.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the display selections in tree structures which are utilized in conjunction with a browser of Wanderkil to the congestion control system of Jorgensen because in order to access a server utilizing browser applications.

In Addition Jorgensen teaches:

Regarding **Claim 4**, wherein the Internet is connected to a public telecommunications network through a telephony service server (Host Workstation per Fig 5A or Server computer per col. 25 lines 16-56)

Association identifiers for identifying, as the flow a service of service, screen informations ranging from information in service top menu to supply information in contemplated service are imparted to respective screen informations in a tree structure constituting a web service provided by the telephony sever (The applicant broadly claims "association identifiers for a identifying a flow service". The TOS field or RSVP field in IP provides the means to identify the flow of different services per col. 19 lines 9-28 or is an identifier. The reference teaches that applications utilized as a part of these services are NETSCAPE NAVIGATOR, HTTP, & HTML as a part of TCP/IP per col. 47-line 15-col. 48 line 24)

Upon the occurrence of congestion, priority connection control of the service on connection is performed based upon the association identifier (The IP flow analyzer determines types of flows and the Flow Scheduler schedules flows based upon QoS per Fig 6 or col. 48 line 25-col. 49 line 9 in order to minimize congestion per col. 12 lines 25-39)

In Addition Wanderski teaches:

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Regarding **Claim 4**, Wanderski teaches: screen information ranging from information in a service top menu to supply information in a contemplated service are imparted to respective screen informations in a tree structure constituting a web service provided by the contests server per Figures 3-5 or per col. 7 lines 35-54.

Referring to **Claim 6**, Jorgensen teaches: A congestion control system for a network (IP Flow Scheduler per Fig 6 which is a part of a system which provides congestion control for a network) comprising:

A mobile user terminal located in a mobile network (120d & 294d per Fig 5A or mobile terminal)

A contents server for providing a contents service in the Internet (Host Workstation per Fig 5A or Server computer per col. 25 lines 16-56)

And a GW (gateway) server used as a repeater in the case where access is made from the mobile network to the Internet(Wireless Base Station 302 per Fig 5A or Gateway server)

Wherein association identifiers for performing the priority connection control of a service being in connection upon the occurrence of congestion are imparted respectively to screens of a tree structure constituting a web service provided by the contents server (The TOS field or RSVP field in IP provides the means to identify the flow of different services per col. 19 lines 9-28 or is an identifier. The reference teaches that applications utilized as a part of these services are NETSCAPE NAVIGATOR, HTTP, & HTML as a part of TCP/IP per col. 47-line 15-col. 48 line 24. The IP flow analyzer determines types of flows and the Flow Scheduler schedules flows based upon QoS per Fig 6 or col. 48 line 25-col. 49 line 9 in order to minimize congestion per col. 12 lines 25-39)

Jorgensen does not expressly call for: screens of a tree structure constituting a web service provided by the contents server but teaches that applications utilizing NETSCAPE NAVIGATOR, HTTP, and HTML can be utilized per col. 48 line 25-col. 49 line 9

Wanderski teaches: screens of a tree structure constituting a web service provided by the contents server per Figures 3-5 or per col. 7 lines 35-54.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the display selections in tree structures which are utilized in conjunction with a browser of Wanderski to the congestion control system of Jorgensen because in order to access a server utilizing browser applications.

Claim Objections

4.0 **Claims 2-3, 5, 7-10, & 11-14** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to **Claims 2-3, 5, and 10**, the closest prior art Jorgensen discloses an association identifier based upon TOS or RSVP fields but fails to teach that an association identifier is start, continue or end.

Referring to **Claims 7-8**, the closest prior art Jorgensen discloses an association identifier based upon TOS or RSVP fields which disclose four broad categories of data types in IP packet but fails to disclose an association id in the screen information.

Referring to **Claim 9**, the closest prior art Jorgensen discloses an association identifier based upon TOS or RSVP fields which disclose four broad categories of data types in IP packet but fails to disclose a means for judging identifiers in screen information.

Referring to **Claims 11-14**, the closest prior art Jorgensen disclose a method of resolving congestion based upon scheduling of flows but does not disclose a mobile being able to request the state of congestion of a gateway.

Claim Rejections - 35 USC § 112

5.0 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected because the metes and bounds of the claim cannot be assessed.

Referring to **Claim 15**, the applicant refers to an association identifier as “start/continue”. What is meant by “start/continue”? Does the applicant mean start and continue or start or continue?

The applicant should also note that claim 15 would be allowable as a dependent claim of allowable claim 6 if the 112/2nd paragraph rejection can be resolved.

Conclusion

6.0 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571/272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert W Wilson
Examiner
Art Unit 2661

RWW
September 10, 2004



**KENNETH VANDERPUYE
PRIMARY EXAMINER**